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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/741,533	12/19/2003	Thomas M. Slaight	10559-916001	5142
20/985 7590 03/18/2010 FISH & RICHARDSON, PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER				
CLOUD, JOIYA M				
ART UNIT		PAPER NUMBER		
2444				
NOTIFICATION DATE		DELIVERY MODE		
03/18/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary

Application No.

10/741,533

Applicant(s)

SLAIGHT, THOMAS M.

Examiner

Joiya M. Cloud

Art Unit

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

This is in response to the communication filed 06/12/2009, in which claims 1-39 are PENDING. Applicant's arguments are deemed moot in view of the following new grounds of rejection, necessitated by Applicant's substantial amendment (i.e. "excluding "at the host system's outgoing buffer..."), which affected the scope thereof.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-9, 11-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichikawa (US Patent No. 6,307, 837 B1) in view of Merchant et al. (U.S. Patent No. 6,775,290 B1).

As per claim 1, Ichikawa discloses the invention substantially as claimed. Ichikawa teaches generating a list of one or more identifiers for one or more broadcast domains (**col. 3, lines 37-46 and Table 1, Terminal Information Table**); accepting a segment of data from a host system, a portion of the segment identifying a broadcast domain (**col. 9, lines 11-24**); comparing the portion of the segment with an identifier for a selected broadcast domain (**col. 9,**

lines 12-29 and col. 10, lines 42-67); and excluding the segment of data from transmission from the host system based on the comparison between the portion of the segment and the identifier for the selected broadcast domain **(col. 9, lines 25-29).**

Ichikawa does not explicitly disclose excluding at the host system's outgoing *buffer*

However, Merchant explicitly discloses excluding at the host system's outgoing buffer **(col. 5, lines 63-col. 6, line 13, col. 5, lines 18-28 and col. col. 11, lines 7-13).**

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporate Ichikawa's teachings to the teachings of Merchant, for the purpose providing a storage for data frames, a buffer hold the frames required to be filtered to prevent "forwarding of a frame that does not belong to one of the VLANs" **(col. 11, lines 11-13 and col. 7, lines 12-15).**

As per claim 2, Ichikawa teaches wherein the host system comprises a computer system having a protocol stack configured to generate data packets **(col. 7, lines 7-16 and Figure 4).**

As per claim 3, Ichikawa teaches wherein the segment of data comprises a frame including one of the data packets **(col. 8, lines 55-60).**

As per claim 4, Ichikawa teaches wherein the portion comprises a VLAN ID **(col. 7, lines 7-19).**

As per claim 5, Ichikawa teaches wherein the VLAN ID is configured according to an IEEE 802.1Q VLAN protocol **(col. 1, lines 9-30 and col. 7, lines 7-19).**

As per claim 6, Ichikawa teaches further comprising generating the VLAN ID based on a network address **(col. 7, lines 7-19, col. 9, lines 12-29 and col. 10, lines 42-67).**

As per claim 8, Ichikawa teaches wherein the segment is excluded from transmission from the host system if the portion does not correspond to the identifier (**col. 9, lines 12-29 and col. 10, lines 42-67**).

As per claim 9, Ichikawa teaches wherein the excluding comprises blocking the segment from being transmitted from the host system (**col. 9, lines 12-29 and col. 10, lines 42-67**).

As per claim 11, Ichikawa teaches wherein the identifier is inaccessible by the host system (**col. 8, lines 55-65**).

As per claim 12, Ichikawa teaches wherein the identifier is inaccessible by the host system after a boot phase (**col.1, lines 65-col. 7, lines 1-5**).

As per claim 13, Ichikawa teaches wherein the segment is accepted from the host system over a data bus (**Figure 1**).

As per claim 14, Ichikawa teaches accepting a second segment of data from a physical layer network interface, a portion of the second segment identifying a broadcast domain (**col. 9, lines 12-29 and col. 10, lines 42-67**); comparing the portion of the second segment with an identifier for a broadcast domain associated with the host system (**col. 9, lines 12-29 and col. 10, lines 42-67**); and sending the second segment to the host system if the portion of the second segment corresponds to the identifier for the broadcast domain associated with the host system (**col. 9, lines 12-29 and col. 10, lines 42-67**).

As per claim 15, Ichikawa teaches wherein the identifier for the broadcast domain associated with the host system is inaccessible by the host system (**col. 3, lines 37-54**).

As per claim 16, Ichikawa teaches wherein the identifier for the broadcast domain associated with the host system is inaccessible by the host system after a boot phase (**col. 3, lines 37-54**).

As per claims 17-26, claims 17-26 are substantially the same as claims 1-4 and 7-12 respectively, but in apparatus form rather than method form. Therefore, the rejection for claims 1-4 and 7-12 applies equally as well to claims 17-26.

As per claim 27, Ichikawa discloses a host system (**Figure 1**); an interface to establish a network connection between a network and the host system (**Figure 1 and col. 7, lines 26-30**); and a network controller configured to accept a segment of data from the host system, a portion of the segment identifying a broadcast domain (**col. 9, lines 12-29 and col. 10, lines 42-67**); compare the portion of the segment with an identifier for a selected broadcast domain; and exclude the segment of data from transmission from the host system based on the comparison between the portion of the segment and the identifier for the selected broadcast domain (**col. 9, lines 12-29 and col. 10, lines 42-67**).

As per claim 28, Ichikawa discloses a management system having a protocol stack configured to generate management packets (**col. 9, lines 46-50**).

As per claim 29-37, claims 29-37 are substantially the same as claims 2-4 and 7-12 respectively, but in system form rather than method form. Therefore, the rejection for claims 2-4 and 7-12 applies equally as well to claim 29-37.

As per claim 38, system comprising: a router (**Figure 1**); a host system (**Figure 1**); an interface to establish a network connection between the router and the host system (**Figure 1**); and a network controller configured to accept a segment of data from the host system, a portion

of the segment identifying a broadcast domain (**col. 9, lines 12-29 and col. 10, lines 42-67**); compare the portion of the segment with an identifier for a selected broadcast domain (**col. 9, lines 12-29 and col. 10, lines 42-67**); and exclude the segment of data from transmission from the host system based on the comparison between the portion of the segment and the identifier for the selected broadcast domain (**col. 9, lines 12-29 and col. 10, lines 42-67**).

As per claim 39, Ichikawa teaches wherein the portion comprises a VLAN ID (**col. 7, lines 7-19, col. 9, lines 12-29 and col. 10, lines 42-67**).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ichikawa in view of Sager (US Patent No. 6,473,742 B1).

As per claim 7, Ichikawa discloses the invention substantially as claimed. However, Ichikawa does not disclose the method wherein the segment is excluded from transmission from the host system if the portion corresponds to the identifier.

Sager teaches wherein the segment is excluded from transmission from the host system if the portion corresponds to the identifier (**col. 5, lines 20-43**).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporate Ichikawa's teachings to the teachings of Sager, for the purpose of authenticating allowed and disallowed services (i.e. it is well known in the art to have a white list and a black list or an allow list and a bar/deny list) (**col. 5, lines 20-25**).

Claim Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ichikawa in view of Krumel (**U.S. Patent No. 7,013,482 B1**).

As per claim 10, Ichikawa discloses the invention substantially as claimed. However, Ichikawa does not disclose wherein the excluding comprises intentionally corrupting the segment so that the segment is discarded from traffic received over a network connection.

Krumel discloses wherein the excluding comprises intentionally corrupting the segment so that the segment is discarded from traffic received over a network connection (**col. 11, lines 66-col. 12, line 7**).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporate Ichikawa's teachings to the teachings of Krumel for the purpose of ensuring that the checksum is not correct for forward packet data...if

the packet did not pass filtering rules.” (**col. 11, lines 66-col. 12, lines 1-7**) Furthermore, a packet is intentionally corrupted to prevent forwarding of the data.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR)

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system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMC

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March 11, 2010

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444